

**Introduced by Senator Huff**

February 18, 2014

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An act to amend Section 47605 of the Education Code, relating to charter schools.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1070, as introduced, Huff. Charter schools: admissions: preferences.

Existing law requires a charter school to admit all pupils who wish to attend the school and requires attendance to be determined by a public random drawing if the number of pupils who wish to attend the charter school exceeds the school's capacity, except preference is required to be extended to pupils attending the charter school and pupils who reside in the school district, except as specified. Existing law authorizes other preferences to be permitted by the chartering authority on an individual school basis and only if consistent with the law.

This bill would authorize a charter school to also extend preference to pupils matriculating to a higher grade from one charter school to another charter school managed by the same charter school operator.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 47605 of the Education Code is amended
- 2 to read:
- 3 47605. (a) (1) Except as set forth in paragraph (2), a petition
- 4 for the establishment of a charter school within a school district
- 5 may be circulated by one or more persons seeking to establish the

1 charter school. A petition for the establishment of a charter school  
2 shall identify a single charter school that will operate within the  
3 geographic boundaries of that school district. A charter school  
4 may propose to operate at multiple sites within the school district,  
5 as long as each location is identified in the charter school petition.  
6 The petition may be submitted to the governing board of the school  
7 district for review after either of the following conditions is met:

8 (A) The petition is signed by a number of parents or legal  
9 guardians of pupils that is equivalent to at least one-half of the  
10 number of pupils that the charter school estimates will enroll in  
11 the school for its first year of operation.

12 (B) The petition is signed by a number of teachers that is  
13 equivalent to at least one-half of the number of teachers that the  
14 charter school estimates will be employed at the school during its  
15 first year of operation.

16 (2) A petition that proposes to convert an existing public school  
17 to a charter school that would not be eligible for a loan pursuant  
18 to subdivision ~~(b)~~ (c) of Section 41365 may be circulated by one  
19 or more persons seeking to establish the charter school. The petition  
20 may be submitted to the governing board of the school district for  
21 review after the petition is signed by not less than 50 percent of  
22 the permanent status teachers currently employed at the public  
23 school to be converted.

24 (3) A petition shall include a prominent statement that a  
25 signature on the petition means that the parent or legal guardian  
26 is meaningfully interested in having his or her child or ward attend  
27 the charter school, or in the case of a teacher's signature, means  
28 that the teacher is meaningfully interested in teaching at the charter  
29 school. The proposed charter shall be attached to the petition.

30 (4) After receiving approval of its petition, a charter school that  
31 proposes to establish operations at one or more additional sites  
32 shall request a material revision to its charter and shall notify the  
33 authority that granted its charter of those additional locations. The  
34 authority that granted its charter shall consider whether to approve  
35 those additional locations at an open, public meeting. If the  
36 additional locations are approved, they shall be a material revision  
37 to the charter school's charter.

38 (5) A charter school that is unable to locate within the  
39 jurisdiction of the chartering school district may establish one site  
40 outside the boundaries of the school district, but within the county

1 in which that school district is located, if the school district within  
2 the jurisdiction of which the charter school proposes to operate is  
3 notified in advance of the charter petition approval, the county  
4 superintendent of schools and the Superintendent are notified of  
5 the location of the charter school before it commences operations,  
6 and either of the following circumstances exists:

7 (A) The school has attempted to locate a single site or facility  
8 to house the entire program, but a site or facility is unavailable in  
9 the area in which the school chooses to locate.

10 (B) The site is needed for temporary use during a construction  
11 or expansion project.

12 (6) Commencing January 1, 2003, a petition to establish a charter  
13 school ~~may~~ *shall* not be approved to serve pupils in a grade level  
14 that is not served by the school district of the governing board  
15 considering the petition, unless the petition proposes to serve pupils  
16 in all of the grade levels served by that school district.

17 (b) No later than 30 days after receiving a petition, in accordance  
18 with subdivision (a), the governing board of the school district  
19 shall hold a public hearing on the provisions of the charter, at  
20 which time the governing board of the school district shall consider  
21 the level of support for the petition by teachers employed by the  
22 *school* district, other employees of the *school* district, and parents.  
23 Following review of the petition and the public hearing, the  
24 governing board of the school district shall either grant or deny  
25 the charter within 60 days of receipt of the petition, provided,  
26 however, that the date may be extended by an additional 30 days  
27 if both parties agree to the extension. In reviewing petitions for  
28 the establishment of charter schools pursuant to this section, the  
29 chartering authority shall be guided by the intent of the Legislature  
30 that charter schools are and should become an integral part of the  
31 California educational system and that *the* establishment of charter  
32 schools should be encouraged. The governing board of the school  
33 district shall grant a charter for the operation of a school under this  
34 part if it is satisfied that granting the charter is consistent with  
35 sound educational practice. The governing board of the school  
36 district shall not deny a petition for the establishment of a charter  
37 school unless it makes written factual findings, specific to the  
38 particular petition, setting forth specific facts to support one or  
39 more of the following findings:

1 (1) The charter school presents an unsound educational program  
2 for the pupils to be enrolled in the charter school.

3 (2) The petitioners are demonstrably unlikely to successfully  
4 implement the program set forth in the petition.

5 (3) The petition does not contain the number of signatures  
6 required by subdivision (a).

7 (4) The petition does not contain an affirmation of each of the  
8 conditions described in subdivision (d).

9 (5) The petition does not contain reasonably comprehensive  
10 descriptions of all of the following:

11 (A) (i) A description of the educational program of the *charter*  
12 school, designed, among other things, to identify those whom the  
13 *charter* school is attempting to educate, what it means to be an  
14 “educated person” in the 21st century, and how learning best  
15 occurs. The goals identified in that program shall include the  
16 objective of enabling pupils to become self-motivated, competent,  
17 and lifelong learners.

18 (ii) A description, for the charter school, of annual goals, for  
19 all pupils and for each subgroup of pupils identified pursuant to  
20 Section 52052, to be achieved in the state priorities, as described  
21 in subdivision (d) of Section 52060, that apply for the grade levels  
22 served, or the nature of the program operated, by the charter school,  
23 and specific annual actions to achieve those goals. A charter  
24 petition may identify additional school priorities, the goals for the  
25 school priorities, and the specific annual actions to achieve those  
26 goals.

27 (iii) If the proposed *charter* school will serve high school pupils,  
28 a description of the manner in which the charter school will inform  
29 parents about the transferability of courses to other public high  
30 schools and the eligibility of courses to meet college entrance  
31 requirements. Courses offered by the charter school that are  
32 accredited by the Western Association of Schools and Colleges  
33 may be considered transferable and courses approved by the  
34 University of California or the California State University as  
35 creditable under the “A” to “G” admissions criteria may be  
36 considered to meet college entrance requirements.

37 (B) The measurable pupil outcomes identified for use by the  
38 charter school. “Pupil outcomes,” for purposes of this part, means  
39 the extent to which all pupils of the *charter* school demonstrate  
40 that they have attained the skills, knowledge, and attitudes specified

1 as goals in the *charter* school's educational program. Pupil  
2 outcomes shall include outcomes that address increases in pupil  
3 academic achievement both schoolwide and for all groups of pupils  
4 served by the charter school, as that term is defined in subparagraph  
5 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil  
6 outcomes shall align with the state priorities, as described in  
7 subdivision (d) of Section 52060, that apply for the grade levels  
8 served, or the nature of the program operated, by the charter school.

9 (C) The method by which pupil progress in meeting those pupil  
10 outcomes is to be measured. To the extent practicable, the method  
11 for measuring pupil outcomes for state priorities shall be consistent  
12 with the way information is reported on a school accountability  
13 report card.

14 (D) The governance structure of the *charter* school, including,  
15 but not limited to, the process to be followed by the *charter* school  
16 to ensure parental involvement.

17 (E) The qualifications to be met by individuals to be employed  
18 by the *charter* school.

19 (F) The procedures that the *charter* school will follow to ensure  
20 the health and safety of pupils and staff. These procedures shall  
21 include the requirement that each employee of the *charter* school  
22 furnish the school ~~it~~ with a criminal record summary as described  
23 in Section 44237.

24 (G) The means by which the *charter* school will achieve a racial  
25 and ethnic balance among its pupils that is reflective of the general  
26 population residing within the territorial jurisdiction of the school  
27 district to which the charter petition is submitted.

28 (H) Admission requirements, if applicable.

29 (I) The manner in which annual, independent financial audits  
30 shall be conducted, which shall employ generally accepted  
31 accounting principles, and the manner in which audit exceptions  
32 and deficiencies shall be resolved to the satisfaction of the  
33 chartering authority.

34 (J) The procedures by which pupils can be suspended or  
35 expelled.

36 (K) The manner by which staff members of the charter schools  
37 will be covered by the State Teachers' Retirement System, the  
38 Public Employees' Retirement System, or federal social security.

39 (L) The public school attendance alternatives for pupils residing  
40 within the school district who choose not to attend charter schools.

1 (M) A description of the rights of ~~any~~ *an* employee of the school  
2 district upon leaving the employment of the school district to work  
3 in a charter school, and of any rights of return to the school district  
4 after employment at a charter school.

5 (N) The procedures to be followed by the charter school and  
6 the entity granting the charter to resolve disputes relating to  
7 provisions of the charter.

8 (O) A declaration *of* whether or not the charter school shall be  
9 deemed the exclusive public school employer of the employees of  
10 the charter school for purposes of Chapter 10.7 (commencing with  
11 Section 3540) of Division 4 of Title 1 of the Government Code.

12 (P) A description of the procedures to be used if the charter  
13 school closes. The procedures shall ensure a final audit of the  
14 *charter* school to determine the disposition of all assets and  
15 liabilities of the charter school, including plans for disposing of  
16 any net assets and for the maintenance and transfer of pupil records.

17 (c) (1) Charter schools shall meet all statewide standards and  
18 conduct the pupil assessments required pursuant to Sections 60605  
19 and 60851 and any other statewide standards authorized in statute  
20 or pupil assessments applicable to pupils in noncharter public  
21 schools.

22 (2) Charter schools shall, on a regular basis, consult with their  
23 parents, legal guardians, and teachers regarding the *charter* school's  
24 educational programs.

25 (d) (1) In addition to any other requirement imposed under this  
26 part, a charter school shall be nonsectarian in its programs,  
27 admission policies, employment practices, and all other operations,  
28 shall not charge tuition, and shall not discriminate against ~~any~~ *a*  
29 pupil on the basis of the characteristics listed in Section 220. Except  
30 as provided in paragraph (2), admission to a charter school shall  
31 not be determined according to the place of residence of the pupil,  
32 or of his or her parent or legal guardian, within this state, except  
33 that an existing public school converting partially or entirely to a  
34 charter school under this part shall adopt and maintain a policy  
35 giving admission preference to pupils who reside within the former  
36 attendance area of that public school.

37 (2) (A) A charter school shall admit all pupils who wish to  
38 attend the school.

39 (B) If the number of pupils who wish to attend the charter school  
40 exceeds the school's capacity, attendance, except for existing pupils

1 of the charter school, shall be determined by a public random  
2 drawing. Preference shall be extended to pupils currently attending  
3 the charter school and pupils who reside in the *school* district  
4 except as provided for in Section 47614.5. *A charter school may*  
5 *extend preference to pupils matriculating to a higher grade from*  
6 *one charter school to another charter school managed by the same*  
7 *charter school operator.* Other preferences may be permitted by  
8 the chartering authority on an individual school basis and only if  
9 consistent with the law.

10 (C) In the event of a drawing, the chartering authority shall  
11 make reasonable efforts to accommodate the growth of the charter  
12 school and in no event shall take any action to impede the charter  
13 school from expanding enrollment to meet pupil demand.

14 (3) If a pupil is expelled or leaves the charter school without  
15 graduating or completing the school year for any reason, the charter  
16 school shall notify the superintendent of the school district of the  
17 pupil's last known address within 30 days, and shall, upon request,  
18 provide that school district with a copy of the cumulative record  
19 of the pupil, including a transcript of grades or report card, and  
20 health information. This paragraph applies only to pupils subject  
21 to compulsory full-time education pursuant to Section 48200.

22 (e) The governing board of a school district shall not require  
23 ~~any~~ *an* employee of the school district to be employed in a charter  
24 school.

25 (f) The governing board of a school district shall not require  
26 ~~any~~ *a* pupil enrolled in the school district to attend a charter school.

27 (g) The governing board of a school district shall require that  
28 the petitioner or petitioners provide information regarding the  
29 proposed operation and potential effects of the *charter* school,  
30 including, but not limited to, the facilities to be used by the *charter*  
31 school, the manner in which administrative services of the *charter*  
32 school are to be provided, and potential civil liability effects, if  
33 any, upon the *charter* school and upon the school district. The  
34 description of the facilities to be used by the charter school shall  
35 specify where the *charter* school intends to locate. The petitioner  
36 or petitioners *also* shall ~~also~~ be required to provide financial  
37 statements that include a proposed first-year operational budget,  
38 including startup costs, and cashflow and financial projections for  
39 the first three years of operation.

1 (h) In reviewing petitions for the establishment of charter  
2 schools within the school district, the governing board of the school  
3 district shall give preference to petitions that demonstrate the  
4 capability to provide comprehensive learning experiences to pupils  
5 identified by the petitioner or petitioners as academically low  
6 achieving pursuant to the standards established by the department  
7 under Section 54032, as it read before July 19, 2006.

8 (i) Upon the approval of the petition by the governing board of  
9 the school district, the petitioner or petitioners shall provide written  
10 notice of that approval, including a copy of the petition, to the  
11 applicable county superintendent of schools, the department, and  
12 the state board.

13 (j) (1) If the governing board of a school district denies a  
14 petition, the petitioner may elect to submit the petition for the  
15 establishment of a charter school to the county board of education.  
16 The county board of education shall review the petition pursuant  
17 to subdivision (b). If the petitioner elects to submit a petition for  
18 establishment of a charter school to the county board of education  
19 and the county board of education denies the petition, the petitioner  
20 may file a petition for establishment of a charter school with the  
21 state board, and the state board may approve the petition, in  
22 accordance with subdivision (b). A charter school that receives  
23 approval of its petition from a county board of education or from  
24 the state board on appeal shall be subject to the same requirements  
25 concerning geographic location to which it would otherwise be  
26 subject if it received approval from the entity to which it originally  
27 submitted its petition. A charter petition that is submitted to either  
28 a county board of education or to the state board shall meet all  
29 otherwise applicable petition requirements, including the  
30 identification of the proposed site or sites where the charter school  
31 will operate.

32 (2) In assuming its role as a chartering agency, the state board  
33 shall develop criteria to be used for the review and approval of  
34 charter school petitions presented to the state board. The criteria  
35 shall address all elements required for charter approval, as  
36 identified in subdivision ~~(b)~~ (b), and shall define “reasonably  
37 comprehensive” as used in paragraph (5) of subdivision (b) in a  
38 way that is consistent with the intent of this part. Upon satisfactory  
39 completion of the criteria, the state board shall adopt the criteria  
40 on or before June 30, 2001.



1 (3) A charter school for which a charter is granted by either the  
2 county board of education or the state board based on an appeal  
3 pursuant to this subdivision shall qualify fully as a charter school  
4 for all funding and other purposes of this part.

5 (4) If either the county board of education or the state board  
6 fails to act on a petition within 120 days of receipt, the decision  
7 of the governing board of the school district to deny a petition  
8 ~~shall, thereafter,~~ *shall* be subject to judicial review.

9 (5) The state board shall adopt regulations implementing this  
10 subdivision.

11 (6) Upon the approval of the petition by the county board of  
12 education, the petitioner or petitioners shall provide written notice  
13 of that approval, including a copy of the petition to the department  
14 and the state board.

15 (k) (1) The state board may, by mutual agreement, designate  
16 its supervisorial and oversight responsibilities for a charter school  
17 approved by the state board to any local educational agency in the  
18 county in which the charter school is located or to the governing  
19 board of the school district that first denied the petition.

20 (2) The designated local educational agency shall have all  
21 monitoring and supervising authority of a chartering agency,  
22 including, but not limited to, powers and duties set forth in Section  
23 47607, except the power of revocation, which shall remain with  
24 the state board.

25 (3) A charter school that is granted its charter through an appeal  
26 to the state board and elects to seek renewal of its charter shall,  
27 before expiration of the charter, submit its petition for renewal to  
28 the governing board of the school district that initially denied the  
29 charter. If the governing board of the school district denies the  
30 *charter* school's petition for renewal, the *charter* school may  
31 petition the state board for renewal of its charter.

32 (l) Teachers in charter schools shall hold a Commission on  
33 Teacher Credentialing certificate, permit, or other document  
34 equivalent to that which a teacher in other public schools would  
35 be required to hold. These documents shall be maintained on file  
36 at the charter school and are subject to periodic inspection by the  
37 chartering authority. It is the intent of the Legislature that charter  
38 schools be given flexibility with regard to noncore, noncollege  
39 preparatory courses.

1 (m) A charter school shall transmit a copy of its annual,  
2 independent financial audit report for the preceding fiscal year, as  
3 described in subparagraph (I) of paragraph (5) of subdivision (b),  
4 to its chartering entity, the Controller, the county superintendent  
5 of schools of the county in which the charter school is sited, unless  
6 the county board of education of the county in which the charter  
7 school is sited is the chartering entity, and the department by  
8 December 15 of each year. This subdivision does not apply if the  
9 audit of the charter school is encompassed in the audit of the  
10 chartering entity pursuant to Section 41020.